

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION

 VS. :

JUAN ANTONIO GARCIA-VILLA : NO. 03-CR-745-01

ORDER

AND NOW, this 6th day of December, 2011, upon
consideration of the Defendant's Motion to Vacate, Set Aside,
Correct Sentence pursuant to 28 U.S.C. 2255 (Document 137),
Government's Motion to Dismiss (Document 141) and the Defendant's
response thereto (Document 142), it is hereby ORDERED that the
Defendant's motion is DISMISSED.¹

BY THE COURT:

/s/ J. Curtis Joyner

J. CURTIS JOYNER, J.

1. The Defendant knowingly, voluntarily and intelligently waived in his plea agreement and plea before this Court the right to present any collateral challenge to his conviction and sentence. He has failed to allege any miscarriage of justice that would overcome that waiver. See United States v. Khattak, 273 F.3d 557 (3rd Cir. 2001).